REMARKS

Claims 1, 3-5, 7 and 10 are pending.

Claims 2, 6 and 8-9 are canceled without prejudice.

Claim 1 has been amended to recite component (c) and the ratio of (a)/(c). Support for this amendment can be found in the original claim 2 and the description on page 19. The ratio of (a)/(c) is recited in the original claims 2 and 8 and the description, page 5. Claim 1 has also been amended to recite component (d). Support for this amendment can be found in the original claim 2 and the description on pages 22 and 23. Claim 1 has also been amended to recite the ratio of [(a) + (b)] / [(c) + (d)], which finds support in the description on page 32.

Claims 4 and 7 have been amended so as not to depend from a canceled claim.

Claim 5 has been amended to depend from amended claim 1.

Claim 10 has been amended to clarify the invention.

No new matter has been added by way of the above-amendment.

I. Issues Under 35 U.S.C. § 102 and §103

The following rejections are pending:

A. Claims 1, 4-6 and 9-10 are rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Shuichi et al. (JP Pub. 2000/110077 hereinafter, "Schuichi");

B. Claims 2, 7 and 8 are rejected 35 U.S.C. § 103(a) as being unpatentable over Shuichi and Hiromitsu et al (JP Pub. 2002/371474 hereinafter, "Hiromitsu"); and

C. Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Shuichi in view of Hiroshi et al. (JP 2000/110068) hereinafter, "Hiroshi").

Applicants respectfully traverse Rejection (A), Rejection (B) and Rejection (C).

In view of the fact that claim 1 has been amended to recite the subject matter of claim 2 (a claim not currently included in Rejection (A)), Rejection (A) has been rendered moot. We now discuss the advantages of the present invention is a backdrop for the discussion which follows on the patentable distinctions between the present invention and the combination of Shuichi and Hiromitsu and the patentable distinctions between the present invention and the combination of Shuichi and Hiroshi.

I-A. Advantages of the Present Invention:

The present composition comprises the following components:

(a) a nonionic surfactant containing 1 to 3 polyoxyalkylene groups having the number-average addition mol number of the oxyalkylene group of 50 to 200 and 1 to 3 hydrocarbon groups having 14 to 32 carbon atoms and having an HLB of 16 or more and a melting point of 30 to 80°C,

(b) an amino-modified silicone compound,

(c) at least one type selected from a tertiary amine in which one or two groups of the three groups bonded to a nitrogen atom of the tertiary amine is/are a hydrocarbon group having 10 to 20 carbon atoms and the remainder group(s) is/are a hydrocarbon group which has 1 to 3 carbon atoms and may be substituted with a hydroxy group, an acid salt thereof and a quaternary product thereof, and

(d) polymer compound having the weight-average molecular weight of 2000 or more (excluding component (a) and component (b)).

Furthermore, the present composition is defined by the relative ratios of said components as follows:

i) component (a)/the component (b) of 4/1 to 1/4,

ii) component (a) /the component (c) of 20/1 to 1/1,

iii) [component (a) + component (b)]/ [component (c) + component (d)] of 95/5 to 80/20.

The present invention provides a fiber product treating agent composition that requires no manual sorting operation, permits the use of the automatic charge port, imparts moderate tenseness and comfortable feel to the touch to clothes and suppresses the formation of wrinkles. The present invention also provides a fiber product treating agent composition that can further impart water absorbing property to clothes.

The claimed composition can provide treated clothes with unexpected advantages in a moderate tenseness and a comfortable feel to the touch. Such advantages can't be obtained in conventional softeners and starches.

With respect to the ability to impart moderate tenseness to the treated fiber product, the present inventors have found that the presence of component (d) in the composition is an important factor. Actually, component (a) serves to impart tenseness, however, the tenseness improves with component (d).

By choosing the specific nonionic surfactant (component (a)) of the present invention, not only is the inventive composition imparting tenseness, but also, the fiber product is given an original feel to the touch. It was surprisingly found that the tenseness improves by setting a high melting point and the specified HLB value of component (a). Also, the tenseness improves by maintaining the relative ratio of component (a) and component (b) in the ratio defined (a) / (b) = 4/1 to 1/4.

In addition, the overall advantages of the inventive composition are more strengthened when the ratio is kept to [(a) + (b)] / [(c) + (d)] = 95/5 ~ 80/20 in mass.

It is respectfully submitted that these advantages are unexpected when considering the teachings of the cited art. This fact is discussed in more detail below.

I-B. Patentable distinctions between the present invention and the teachings of Shuichi, Hiromitsu and Hiroshi

Shuichi is the main reference in both Rejection (B) and Rejection (C), so we begin our discussion focussing on this reference. Shuichi relates to a liquid finish composition for a textile product capable of imparting softness and having an excellent restorability in low-temperature storage, especially freezing weather. However, the composition of Shuichi is distinct from that which is presently claimed.

The present invention contains the following components:

(a) nonionic surfactant

AO= 50 to 200 moles,

carbon atoms of alkyl group 14 to 32,

HLB 16 or more,

Melting point 30 to 80°C;

(b) Amino-modified silicone;

(c) The specified tertiary amine, salts thereof, quaternary ammonium compound (as recited in claim 2); and

(d) Polymer compound.

The Examiner alleges that the following components of Shuichi equate to components (a)-(c) of the present invention as follows:

(C) Nonionic surfactant (the Examiner equates with inventive component (a))

AO = 15 to 150 moles

carbon atoms of alkyl group 8 to 22

(A) Polyether-modified silicone, amino-modified silicone, amino-modified silicone, amino/polyether-modified silicone (the Examiner equates with inventive component (b))

(B) A tertiary amine, salts thereof, quaternary compound (the Examiner equates with inventive component (c))

It is noted that the silicone compound is used for imparting softness in both of the present invention and the cited document, and the amine compound is used for imparting softness by itself and improving absorption of the silicone compound.

Shuichi discloses a liquid finish composition for a textile product having an excellent restorability in low-temperature storage, especially in freezing. To improve the emulsion stability of the finish composition, Shuichi uses a nonionic surfactant as a stabilizer for improving emulsion stability of finish composition. However, Shuichi is silent on the specific characteristics of the nonionic surfactant.

Applicants respectfully submit that the artisan would not be directed to use the inventive component (a) having a melting point as high as 30°C in view of the requirement for Shuichi's nonionic surfactant to stabilize the emulsion. The artisan would understand that a high surface activity is demanded for improving emulsion stability. However, a nonionic surfactant having a high melting point (such as presently claimed) becomes a solid and decreases the surface activity at low temperatures. Shuichi shows emulsion stability at a low temperature which would not be possible if the melting point of the nonionic surfactant is too high. Therefore, the inventive component (a) having an MP of at least 30°C would not be desired based on the teachings of Shuichi.

Furthermore, it is common in the state of art that the ratio of the nonionic surfactant is low to the silicone, and that the silicone and the amine compound are principal components which is distinct from the inventive ratios i) component (a) /the component (c) of 20/1 to 1/1, and ii) [component (a) + component (b)]/ [component (c) + component (d)] of 95/5 to 80/20.

In view of the difference in the properties and technical concept of the nonionic surfactant used as component (a) of the present invention with that used by Shuichi, significant patentable distinctions exist between the present invention and the teachings of Shuichi.

Furthermore, the teachings of Hiromitsu and Hiroshi fail to cure the deficiencies of Shuichi. As such, withdrawal of Rejection (B) and Rejection (C) is respectfully requested.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matter that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, Ph.D., Esq., Reg. No. 43,575 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. 1.16 or 1.14, particularly, extension of time fees.

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Respectfully submitted,

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